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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,573	10/24/2003	Takanori Isozaki	244333US0	6951
22850	7590	07/21/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER VARGOT, MATHEU'D	
			ART UNIT 1791	PAPER NUMBER
			NOTIFICATION DATE 07/21/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/691,573

Applicant(s)

ISOZAKI ET AL.

Examiner

Mathieu D. Vargot

Art Unit

1791

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18, 20, 21, 24-34, 36 and 37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18, 20, 21, 24-34, 36 and 37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 18, 20, 21, 24-34, 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Racich et al in view of Sanefuji et al essentially for reasons of record noting the following.

While applicant has limited the independent claims to include the upper limit of 3 (min) for the ratio of A/B, it is submitted that this ratio would have indeed been met by Racich et al. The average speed $([.3 \text{ m/min} + .42 \text{ m/min}]/2 = .36 \text{ m/min})$ was used to calculate an (average) stretching distance of 1.22 meters in Racich et al. However, the instant specification (see page 7, penultimate paragraph) teaches that the stretched film speed B would be the speed that the film passes through the high speed driving roll used to stretch the film. Hence, according to applicant's definition, the value of B in Racich et al would be .42 m/min, not the average speed of .36 m/min. The ratio of A/B in Racich et al would then be $1.22 \text{ m}/.42 \text{ m/min}$ which equals 2.9 min. Alternatively, if the ratio of A/B is to be interpreted as simply the residence time of the film in the boration bath, it is submitted that the value of "about 3.4 minutes" taught in Racich is not much greater than the instant upper limit value of 3 minutes and that a slightly larger value for this ratio would not have deleteriously affected the process. Applicant states at page 7 of the instant specification that it is desirable that the ratio not exceed 3 min, although large ratios are disclosed as being beneficial in producing polarizing properties

for the film. It is not clear on the record that a value of 3.4 for the ratio would not have been obvious or within the meaning and spirit of the value 3 set forth in the instant specification and claims as the upper limit. Again, it is believed that Racich et al does teach a ratio A/B for the parameters A and B that is less than the instantly claimed upper limit of 3 min. If not, then it is respectfully submitted that a value of 3 min would have been obvious over a value of "about 3.4 min" as taught in Racich et al.

Concerning the ratio of A/C , it is believed that Racich et al does teach this. In Racich et al the parameter A equals 1.22 meters—ie, the average stretching distance. The width of the film entering the boration bath is apparently $(.254\text{ m})(1.07) = .2718\text{ m}$ —see col. 3, lines 45-47, the 1.07 coming from the fact that the width increases by 7%. Racich et al teaches that the width of the stretched film is 70% of that entering the bath, see column 4, line 29. This would yield a value of $(.2718\text{ m})(.7)$ which equals .190 meters. In such a case, $A/C = 1.22\text{ m}/.19\text{ m} = 6.42$. Hence, the only factors not expressly shown in Racich et al are the instant width of at least 2 meters (taught in Sanefuji et al) and the instant stretching distance of at least 5 meters. Given the larger width of the starting film, it is respectfully maintained that increasing the stretching distance would have been obvious to effectively stretch the larger film.

2. Applicant's arguments filed April 24, 2008 have been fully considered but they are not persuasive. Applicant submits that Racich et al does not teach the instant ratios of A/B and A/C . For reasons noted supra, it is believed that the reference does teach these ratios. It is also not clear that increasing the film width to that shown in Sanefuji et al—with a concomitant increase in the stretching distance—would necessarily have

provided ratios for A/B and A/C outside the instant values. Hence, it is believed that the claims have been properly rejected.

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mathieu D. Vargot whose telephone number is 571 272-1211. The examiner can normally be reached on Mon-Fri from 9 to 6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson, can be reached on 571 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Vargot
July 17, 2008

/Mathieu D. Vargot/
Primary Examiner, Art Unit 1791